APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,004	09/28/2001	Kazue Kaneko	1232-4776	5651

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EXAMINER
SKED, MATTHEW J

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/967,004	KANEKO ET AL.
	Examiner	Art Unit	
	Matthew J. Sked	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 January 2006</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>58-73</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>58-73</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/06

has been entered.

Response to Amendment

2.   Claims 1-57 have been canceled.

3.   Claims 58-73 have been newly added.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

5.   Claims 72 and 73 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claims 72 and 73 are drawn to a "program" *per se* as recited in the preamble and

as such is non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures

not claimed as embodied in computer readable media are descriptive material *per se*

and are not statutory because they are not capable of causing functional change in the

computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a

data structure *per se* held nonstatutory). Such claimed data structures do not define

any structural and functional interrelationships between the data structure and other

claimed aspects of the invention, which permit the data structure's functionality to be

realized. In contrast, a claimed computer readable medium encoded with a data

structure defines structural and functional interrelationships between the data structure

and the computer software and hardware components which permit the data structure's

functionality to be realized, and is thus statutory. Similarly, computer programs claimed

as computer listings *per se*, i.e., the descriptions or expressions of the programs are not

physical "things." They are neither computer components nor statutory processes, as

they are not "acts" being performed. Such claimed computer programs do not define

any structural and functional interrelationships between the computer program and

other claimed elements of a computer, which permit the computer program's

functionality to be realized.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 58, 59, 61, 62, 65, 66, 68, 69 and 72 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Grayson et al. (U.S. Pat. 5,963,217) in view of Taylor (U.S.

Pat. 6,424,935) and in further view of Dutta (U.S. Pat. 6,983,424).

As per claims 58, 65 and 72, Grayson teaches an information presentation

apparatus and method, comprising:

voice outputting means for carrying out voice synthesis based on text information

including in send data received from a sending apparatus for sending send data

including text information, and outputting obtained synthetic voice (host computer sends

a stream of text and other data to the participant computer and performs text-to-speech

synthesis for output, col. 4, lines 14-16 and 42-43); and

displaying means for displaying, to a display device, speaker images imitating

speakers of said synthetic voice (text generates lip positions, col. 4, lines 16-20); and a

text string to be spoken by said synthetic voice in a text display form corresponding to

each of said speaker images (text section where the text display form is the same for all

characters, col. 8, lines 52-53).

Grayson does not teach the second display means displays the text string in a

different text display form, which enables to distinguish each of said speaker images,

corresponding to each of said speaker images.

Taylor teaches a system that displays text in different colors or fonts for different

speakers (col. 3, line 66 to col. 4, line 14).

It would have been obvious to one of ordinary skill in the art at the time of

invention to modify the system of Grayson to use a different display form for each

speaker as taught by Taylor because this would allow the text for each speaker to be readily distinguished (col. 3, line 66 to col. 4, line 14).

Neither Grayson nor Taylor teach including a need for hiding of the text information with the transmitted text information and if there is the need for hiding of the text string, displays the speaker image by placing it over the text string to hide the text string from user's view.

Dutta teaches a system for displaying images and text on a display screen that makes a determination that text does not need to be displayed and scales the icon to be displayed in the area, hence placing it over the text area (col. 9, lines 29-40 and Fig. 10, elements 1022, 1024 and 1028).

It would have been obvious to one of ordinary skill in the art to modify the system of Grayson and Taylor to determine if there is a need for hiding the text string and if so displays the speaker image by placing it over the text string to hide the text string from user's view because, as taught by Dutta, it is desirable to scale the icons to fit the available area of the video screen (col. 2, lines 1-5).

8.   As per claims 59 and 66, Grayson teaches wherein said first displaying means displays a speaker image selected from said plurality of speaker images (context defines characters to display, col. 4, lines 5-13).

Grayson does not teach a first retaining means for retaining display correspondence information showing a correspondence between each of a plurality of speaker images and the display form of a text string and said second displaying means

obtains a display form corresponding to said selected speaker image from said display correspondence information to display said text string in said display form.

Taylor teaches a first retaining means for retaining display correspondence information showing a correspondence between each of a plurality of speaker images and the display form of a text string and said second displaying means obtains a display form corresponding to said selected speaker image from said display correspondence information to display said text string in said display form (sets flags to identify which text corresponds to which user and then sets colors or fonts accordingly, hence retaining the correspondence, col. 9, lines 50-65).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Grayson for a first retaining means for retaining display correspondence information showing a correspondence between each of a plurality of speaker images and the display form of a text string and said second displaying means obtains a display form corresponding to said selected speaker image from said display correspondence information to display said text string in said display form as taught by Taylor because it would allow the view of the text change along with the animated character hence making the system more enjoyable to the user.

9.   As per claims 61 and 68, Grayson does not teach the text display form corresponding to each of said speaker images in said second displaying means is at least any of the letter color, size and font.

Taylor teaches the text display form corresponding to each of said speaker

images in said second displaying means is the color (color or fonts, col. 3, line 66 to col.

4, line 14).

It would have been obvious to one of ordinary skill in the art at the time of

invention to modify the system of Grayson so that the text display form corresponding to

each of said speaker images in said second displaying means is the color as taught by

Taylor because it would allow interface to be more lively hence making interaction more

enjoyable.

10.   As per claims 62 and 69, Grayson teaches the second displaying means displays

said text string with a predetermined positional relation with the position in which said

speaker image is displayed (avatar is viewed in a defined place on border and the text

is viewed in the center of the interface, Fig. 7).

11.   Claims 60, 63, 67 and 70 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Grayson in view of Taylor and in further view of Dutta and Hikawa

(U.S. Pat. 6,424,944), cited by applicant.

As per claims 60 and 67, Grayson teaches

second retaining means for retaining context correspondence information

showing a correspondence between said plurality of speaker images and the context

(context information would be saved on site in order to send it to the participant, col. 4,

lines 5-7);

selecting means for identifying the context of text information included in said

send data in said receiving apparatus (state also sends a stream of text with context

information, col. 4, lines 14-16); and

selecting a speaker image corresponding to the identified context based on said

context correspondence information, wherein said first displaying means displays a

speaker image selected by said selecting means (context information defines

characters in presentation, col. 4, lines 9-13).

Grayson, Taylor and Dutta do not teach nor specifically point out performing

these operations for genres.

Hikawa teaches the user selecting a genre of background music to be

reproduced and selecting an image based upon this genre, col. 9, lines 4-8 and 41-44).

It would have been obvious to one of ordinary skill in the art at the time of

invention to modify the system of Grayson, Taylor and Dutta to teach using genre

information as taught by Hikawa because it would allow the user to select different

categories within the current application hence facilitating navigation for the user.

12.   As per claims 63 and 70, Grayson, Taylor and Dutta do not teach the text

information included in said send data includes headline text and text of spoken

contents, and said information presentation system further comprises third displaying

means for displaying said headline text distinguishable from the text display by said

second display means.

Hikawa teaches the text information included in said send data includes headline

text and text of spoken contents (title and whole contents are displayed, col. 9, lines 21-

24), and said information presentation system further comprises third displaying means

for displaying said headline text distinguishable from the text display by said second

display means (name display field, Fig. 5, element 31a).

It would have been obvious to one of ordinary skill in the art at the time of

invention to modify the system of Grayson, Taylor and Dutta to have the text information

included in said send data include headline text and text of spoken contents, and said

information presentation system further comprising third displaying means for displaying

said headline text distinguishable from the text display by said second display means as

taught by Hikawa because it would give the user an easily visible abbreviated

information about the text being read hence facilitating use.

13.   Claims 64, 71 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Grayson et al. (U.S. Pat. 5,963,217) in view of Taylor (U.S. Pat. 6,424,935) and in

further view of Lowry (U.S. Pat. 5,946,002).

Grayson teaches an information presentation apparatus and method, comprising:

voice outputting means for carrying out voice synthesis based on text information

including in send data received from a sending apparatus for sending send data

including text information, and outputting obtained synthetic voice (host computer sends

a stream of text and other data to the participant computer and performs text-to-speech

synthesis for output, col. 4, lines 14-16 and 42-43); and

displaying means for displaying, to a display device, speaker images imitating

speakers of said synthetic voice (text generates lip positions, col. 4, lines 16-20); and a

text string to be spoken by said synthetic voice in a text display form corresponding to each of said speaker images (text section where the text display form is the same for all characters, col. 8, lines 52-53).

Grayson does not teach the second display means displays the text string in a different text display form, which enables to distinguish each of said speaker images, corresponding to each of said speaker images.

Taylor teaches a system that displays text in different colors or fonts for different speakers (col. 3, line 66 to col. 4, line 14).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Grayson to use a different display form for each speaker as taught by Taylor because this would allow the text for each speaker to be readily distinguished (col. 3, line 66 to col. 4, line 14).

Neither Grayson nor Taylor teach wherein said display means, if the speaker image and the text string are overlapped due to a restriction of a display area of the display device, downsizes the speaker image to display it so as not to overlap the text string.

Lowry teaches an image animation system that displays both textual information and an animation image on the screen simultaneously wherein if the image and the text string are overlapped due to a restriction of a display area of the display device, downsizes the speaker image to display it so as not to overlap the text string (resizes the animation image to avoid overlapping the text, col. 5, lines 3-10).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Grayson and Taylor wherein said display means, if the speaker image and the text string are overlapped due to a restriction of a display area of the display device, downsizes the speaker image to display it so as not to overlap the text string because, as taught by Lowry, without this functionality the text may "overrun into the area of animation window, causing either the translated text to be superimposed on animation window or to be hidden underneath animation window either of which is aesthetically unpleasing" (col. 4, lines 57-61).

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Armga et al. (U.S. Pat. 6,390,371) also teaches a method for controlling the sizes of animation and textual windows to avoid overlapping. Dutta (U.S. Pat. 6,453,294) teaches a system for online chat capabilities including speech-to-text and text-to-animation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MS
3/14/06

J. Paul Harper
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